

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**HERBERT,**

**Plaintiff,**

**-against-**

**S. CARTER ENTERPRISES, LLC, ET AL.,**

**Defendants.**

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DATE FILED: 9/2/2020

**18-cv-05352-ALC-KNF**

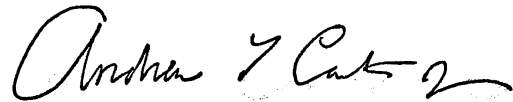
**ORDER**

**ANDREW L. CARTER, JR., United States District Judge:**

On August 25, 2020, the Court ordered Plaintiff to show cause by September 1 2020, as to why this action should not be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). ECF No. 39. Such showing was not made. Accordingly, this case is dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case sua sponte for failure to prosecute . . .”).

**SO ORDERED.**

**Dated:** September 2, 2020  
New York, New York



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**ANDREW L. CARTER, JR.**  
**United States District Judge**